

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Black King, LLC,

Plaintiff;

v.

Fall Line Venture, LLC,

Defendant.

Civil Action No.

Defendant's Notice of Removal

Defendant Fall Line Venture, LLC ("Fall Line" or "Defendant") presents this Notice of Removal of the suit brought by Plaintiff Black King, LLC ("Plaintiff") from the 138th Judicial District Court of Cameron County, Texas, where the suit was instituted, to this United States District Court for the Southern District of Texas, Brownsville Division under 28 U.S.C. §§ 1332, 1441, and 1446. Expressly reserving all questions other than that of removal, Defendant respectfully shows that removal is proper as follows:

State Court Suit

On August 26, 2021, Plaintiff filed an action in the 404th Judicial District Court of Cameron County, Texas, titled "*Black King, LLC v. Fall Line Venture, LLC*" and bearing Cause No. 2021-DCL-05018 (the "State Court Suit").

Defendant was made aware of this suit on September 14, 2021. Exhibit A-1, *Citation by Certified Mail*. Therefore, this Notice of Removal is timely filed by Defendant. 28 U.S.C. § 1446(b).

The State Court Suit is a civil suit in which Plaintiff claims that Defendant breached a contract with Plaintiff thereby causing it to lose over \$100,000. *Plaintiff's Original Petition*, Exhibit A-2 at ¶ 11, ¶ 12.

Parties and Citizenship

Plaintiff is and was a Texas Limited Liability Company with its principal place of business in Texas at all times relevant to this lawsuit, including when the State Court Suit was filed and removed. *Plaintiff's Original Petition*, Exhibit A-2 at ¶ 2, ¶ 3.

Defendant Fall Line is a California Limited Liability Company. Fall Line maintained its principal place of business in California at all times relevant to this lawsuit, including when the State Court Suit was filed and removed. *Plaintiff's Original Petition*, Exhibit A-2 at ¶ 4.

Basis for Removal

Removal is proper because Plaintiff's lawsuit: (1) is a civil action in which the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and (2) is between the citizens of different states of the United States of America. 28 U.S.C. 1332 (a) (1).

Plaintiff alleges that it seeks monetary relief in excess of \$200,000.00 but not more than \$1,000,000. *Plaintiff's Original Petition*, Exhibit A-2 at ¶ 5. So, the matter in controversy exceeds \$75,000.00, exclusive of interest and costs. 28 U.S.C. 1332 (a).

Further, the parties are diverse in citizenship: Plaintiff alleges that it is a "citizen" of the State of Texas, and that Defendant is a "citizen" of the State of California. 28 U.S.C. 1332 (c) (1) ("A corporation shall be deemed to be a citizen of every State and

foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business...”).

This Court therefore has subject matter jurisdiction of this case based on diversity jurisdiction and removal is proper. 28 U.S.C. § 1332. And, all defendants who have been properly joined and served join in or consent to the removal of this case to federal court. 28 U.S.C. § 1446(b)(2)(A).

Other Matters

Venue is proper in this district under 28 U.S.C. § 1441 (a) because the state court where the suit is pending is located in this district. 28 U.S.C. § 124 (b) (5) (The U.S. District Court for the Southern District of Texas, Brownsville Division embraces Cameron County, Texas).

Along with filing this Notice of Removal, Defendants will promptly notify Plaintiff and file a Notification of Removal, attaching a copy of this Notice of Removal, with the Clerk for the District Court of Cameron County, Texas in accordance with 28 U.S.C. § 1446(d).

Plaintiff did not make a jury demand in state court. *Pl.’s Original Pet.*, Exhibit A-2; *Docket Sheet*, Exhibit A-3.

As 28 U.S.C. § 1446(a) and L.R. 81 require, Defendants provide a copy of Plaintiff’s Original Petition filed in the State Court Suit, any process, and the State Court docket sheet, which references and any signed orders served in the State Court Suit, together with an index of matters being filed, and a list of all counsel of record. These documents are attached as *Exhibit A*.

Conclusion and Prayer

This case is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter of this case under 28 U.S.C. § 1332. Removal of this case is proper under 28 U.S.C. § 1441 and in conformance with 28 U.S.C. § 1446. For these reasons, Fall Line removes this case from the District Court of Cameron County, Texas, to this Court and prays that this Court enter such orders and grant such relief as may be necessary to secure such removal.

Respectfully,

Atlas Hall & Rodriguez LLP

By: /s/ E. Michael Rodriguez

E. Michael Rodriguez

State Bar No. 00791553

S. D. Tex. No. 18759

Email: mrodriguez@atlashall.com

Daniel G. Gurwitz

State Bar No. 00787608

S.D. Tex. No. 16895

Email: dgurwitz@atlashall.com

Paul T. Serafy

State Bar No. 24095901

S.D. Tex. Admission Pending

Email: pserafy@atlashall.com

222 N. Expressway, Suite 203

Brownsville, Texas 78520

Telephone: (956) 574-9333

Facsimile: (956) 574-9337

Attorneys for Fall Line Venture, LLC

Certificate of Service

I hereby certify that a true and correct copy of Defendant's Notice of Removal and all accompanying documents required by LR 81 have been served via email and the Court's electronic filing system on October 8, 2021, upon all counsel of record as follows:

Carlos R. Masso
1000 E. Madison Street
Brownsville, Texas 78520
Masso-Law@sbcglobal.net

Attorney for Plaintiff

/s/ Paul T. Serafy
Paul T. Serafy
Of Atlas Hall & Rodriguez LLP

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

Black King, LLC,

Plaintiff;

v.

Fall Line Venture, LLC,

Defendant.

Civil Action No.

Index of All Matters Filed

1. Pleadings That Assert Causes of Action and All Answers to Such Pleadings

Exhibit A-1 *Citation by Certified Mail to Defendant*

Exhibit A-2 *Plaintiff's Original Petition*

2. Docket Sheet

Exhibit A-3 *Docket Sheet*

3. List of All Counsel of Record

Exhibit A-4 *List of Parties and Respective Counsel of Record*